

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 16, 2005 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #05007

PROPOSAL: To allow the sale of alcoholic beverages for consumption on the premises for a Shogun Restaurant at 3700 South 9th Street.

CONCLUSION: This request complies with all applicable criteria for a special permit for the sale of alcohol for consumption on the premises, and is an appropriate land use at this location.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 95 I.T. located in the southeast quarter of Section 2, T9N, R6E, Lancaster County Nebraska.

LOCATION: 3700 South 9th Street, northwest of the intersection of Highway 2 and Pioneers Blvd.

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Commercial

SURROUNDING LAND USE AND ZONING:

North:	Vacant	I-1
South:	Commercial	I-1
East:	Railroad	P
West:	Vacant	I-1, P

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates industrial land uses in this area.

BACKGROUND: This request is to allow the sale of alcohol for consumption on the premises at the Shogun, a new restaurant located in the commercial center northwest of Highway 2 and Pioneer Blvd. The site plan shows the restaurant occupying Suites F - I for approximately 6,000 square feet of floor area, and is one of several tenants in the multi-tenant commercial building still under construction.

ANALYSIS:

1. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC)

27.63.680: Alcoholic beverages may be sold for consumption on the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2 and I-3 zoning districts upon the approval of a special permit. Alcoholic beverages may also be sold for consumption on the premises as an accessory use to a golf course or country club as part of a separate special permit under Section 27.63.130 approving the golf course or country club in any district where recreational facilities are allowed as a permitted use, permitted conditional use, or permitted special use. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be provided on-site at the ratio of one space per 100 square feet of gross floor area.

There is a cross-parking agreement over this center, and this tenant is granted the use of the required number of parking spaces in accordance with LMC Chapter 27.67. Based upon floor area, 60 spaces are required, and approximately 112 are available.

(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under LMC Section 27.63.685 of this code.

This application is for a special permit to allow the sale of alcohol for consumption on the premises. The sale of alcoholic beverages off the premises is not a part of this proposal and is not being requested.

(c) The designated area specified in a license issued under the Nebraska Liquor Control Act of any building approved for such activity must be located no closer than 100 feet from a day care facility, park, church, state mental health institution, or a residential district (except where such use is accessory to a golf course or country club).

The licensed premises is located within a larger commercial center zoned I-1, surrounded by P zoning. The licensed premises meets the 100' separation requirement as there is no daycare facility, park, church, state mental health institution, or residential district in the vicinity of this use. The nearest residential district is in excess of 1,000' away from the site.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

The parking lot lighting is subject to the Parking Lot Lighting Standards of the City of Lincoln Design Standards and is reviewed at the time of building permits.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not shown as part of this application.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are shown as part of this application.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

There is no potential for access doors being located within 150' of a residential district, as noted previously the nearest residential district is in excess of 1,000' away from the site.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible as determined by the City Council, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access to the subject premises is from South 9th Street, which is not considered a "residential street" at this location.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

- (1) Revocation or cancellation of the liquor license for the specially permitted premises; or**
- (2) Repeated violations related to the operation of the permittee's business.**
- (3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.**

Planning Commission approval is required for this use.

CONDITIONS:

Site Specific:

- 1. This approval permits the sale of alcohol for consumption on the premises in Suites F - I as designated on the site plan.

General:

- 2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
 - 2.1.1 Submit six copies of the site plan.

Standard:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before the sale of alcohol for consumption on the premises, all development and construction is to comply with the approved plans.
 - 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

- 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, AICP, 441-6362, bwill@lincoln.ne.gov
Planner
March 1, 2005

OWNER: B&J Partnership
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(402) 323-3113

APPLICANT: Kim Hyansoo
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(402) 420-2456

CONTACT: Youngsoeb Lee
5520 South 56th Street
Lincoln, NE 68506
(402) 770-7857



2002 aerial

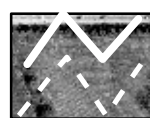
Special Permit #05007

3700 S. 9th St. Sale of Alcohol

Zoning:

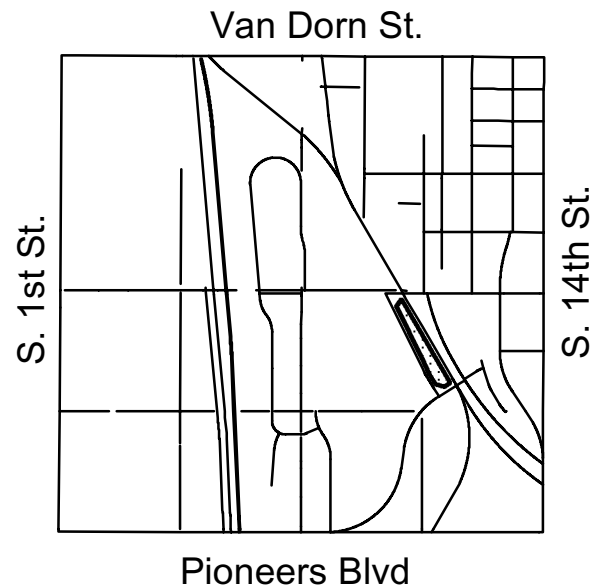
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 2 T9N R6E



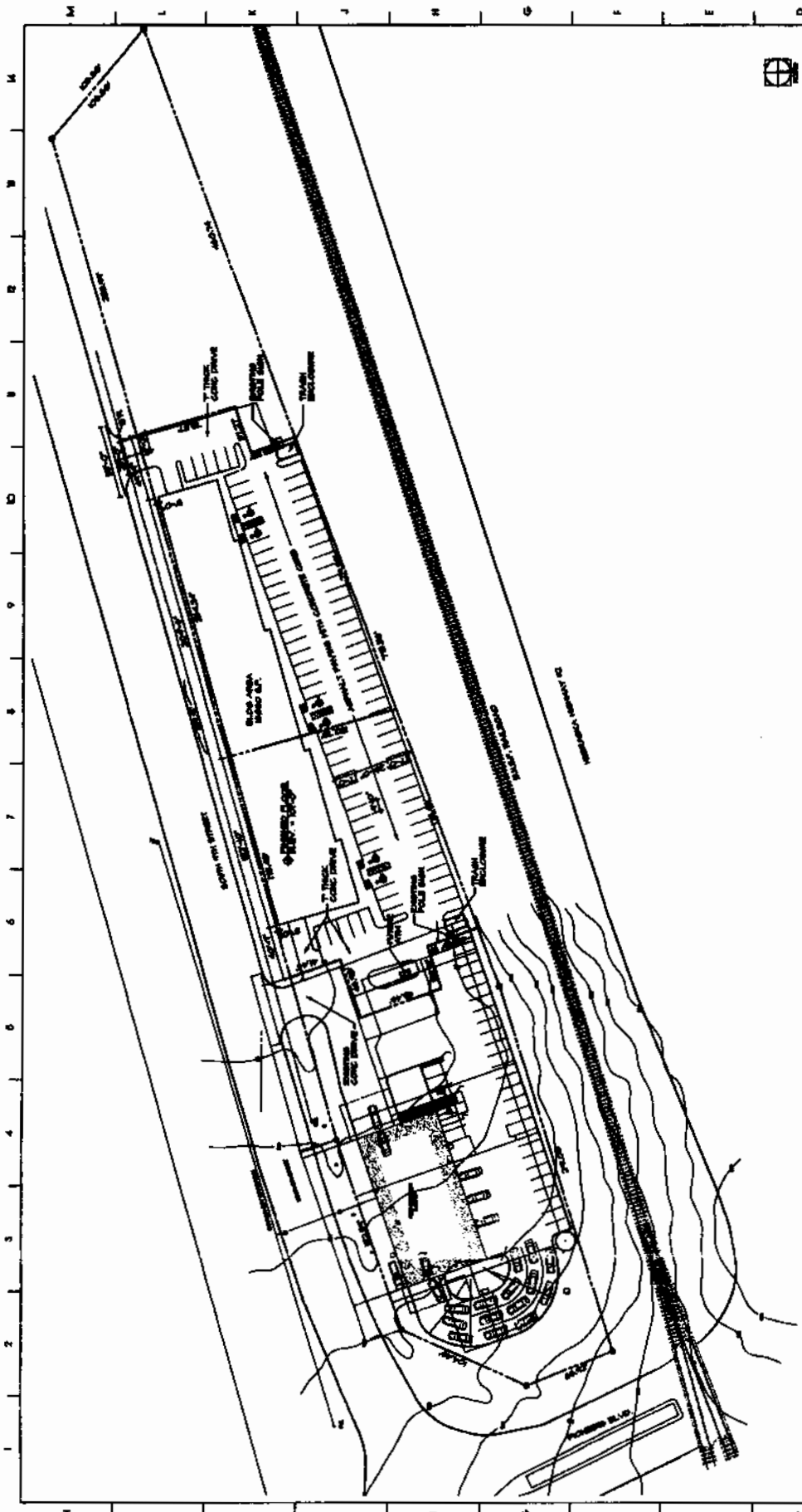
Zoning Jurisdiction Lines

City Limit Jurisdiction



MARK

40
4000
LIN

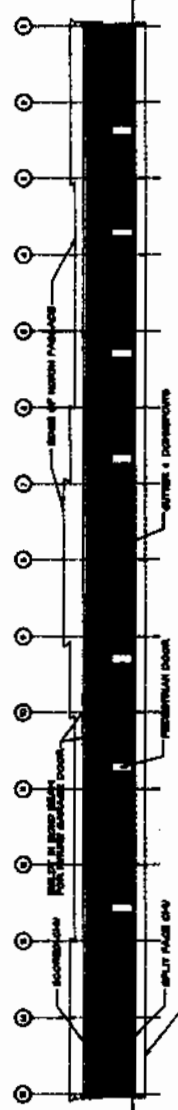


D1 SITE PLAN

Proposed Space



A1 AREAS

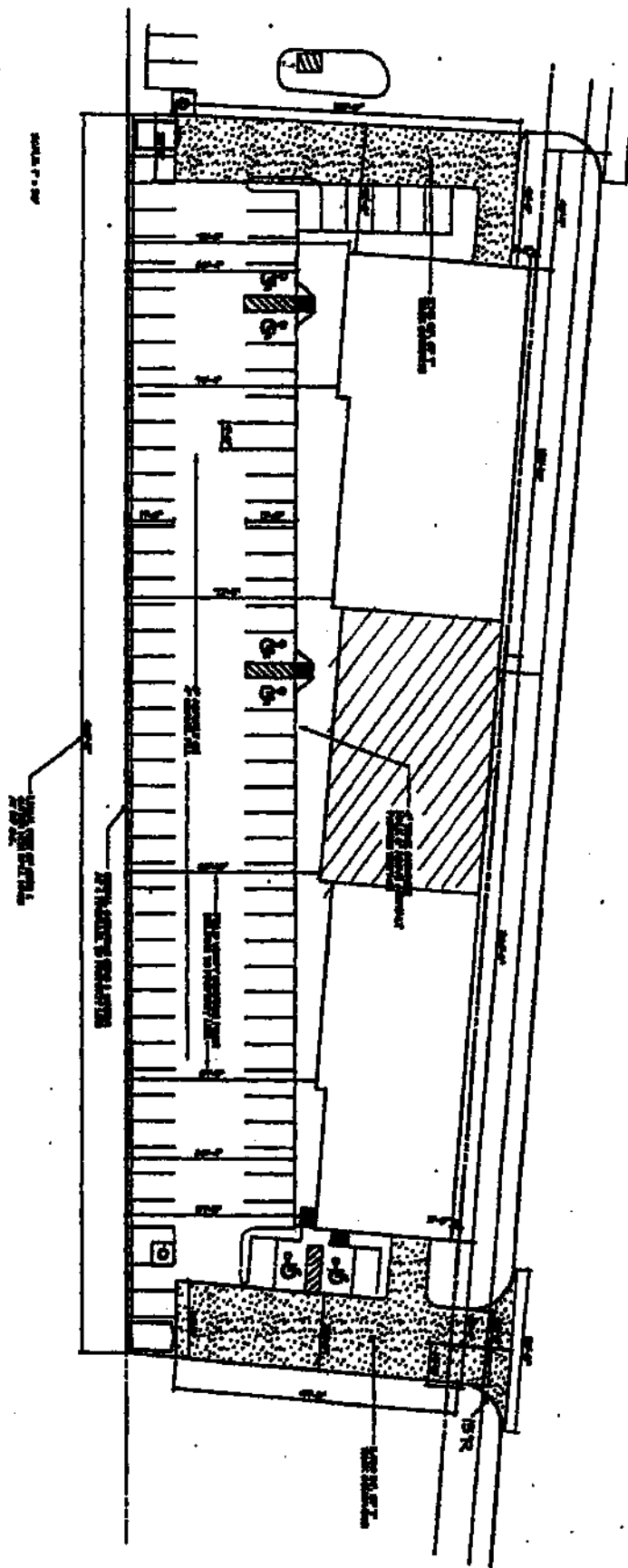


A6 SOUTH ELEVATION

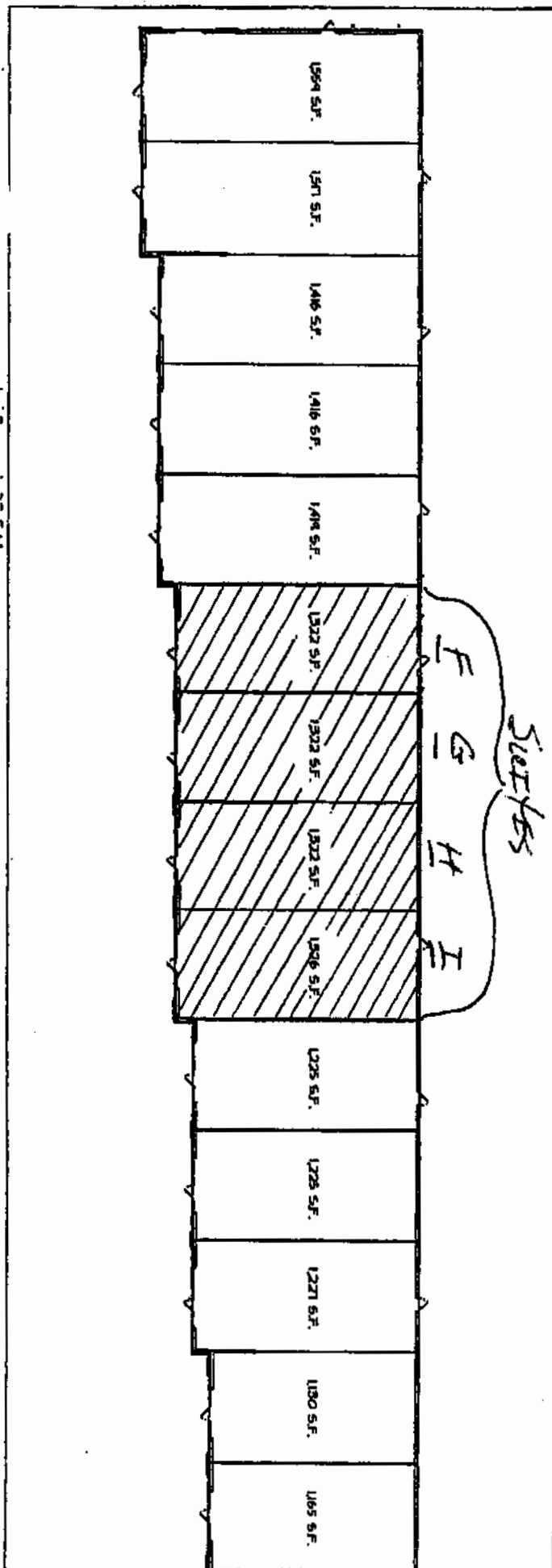
EXHIBIT A-1

NO SCALE

 LICENSED PREMISES



NO SCALE



February 17, 2001

To Whom this may concern:

It is the purpose of this application to request
a special permit for the operation of
Liquor, beer, Wine, Cocktail operation on the
3700 S. 9th ST Lincoln, NEBRASKA.

Thank you for your concern in advance.

Sincerely,

H S K

Hyangsoo, KIM